



Buckinghamshire Council

Licensing Committee

Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 3 FEBRUARY 2021
IN VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.19 PM**

MEMBERS PRESENT

C Jackson (Chairman), S Renshell (Vice-Chairman), D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, G Powell, J Read, J Rush, N Southworth, B Stanier Bt and H Wallace

Agenda Item

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2 November 2020 were agreed as an accurate record.

4 IMPLEMENTATION OF THE DEPARTMENT FOR TRANSPORT'S STATUTORY TAXI & PRIVATE HIRE VEHICLE STANDARDS

The Committee received a report which set out the actions taken by the Council's Licensing Service in response to the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards.

In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new standards and it was expected that they were to be adopted unless there was compelling local reason not to.

The publication of the new standards coincides with the preparation of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy. The majority of the recommended standards had been included in the draft copy of the Policy which had been subject to recent consultation. A separate report was due to be presented to the Licensing Committee with results of the Policy consultation.

This report had been prepared in respect of the Secretary of State's expectation that licensing authorities publish their response to the standards, with details of the policies and plans to deliver the recommended measures. A summary of each recommended standard was provided

in the report, together with an indication whether the standard would be adopted and how the Licensing Service plans to ensure the standard would be met. The content of the report was without prejudice to the final decision in respect of the new Policy and it was acknowledged that measures might need to be revised should alternative policy decisions be made.

Members were invited to ask questions of officers. In response to a query regarding how the informed consent of the booker of a PSV vehicle was recorded, officers advised that the operating conditions set out comprehensive requirements in terms of operator record keeping. Officers agreed to double check the wording of the requirement in the operating conditions.

Following a concern raised regarding the proposal, as set out 2.42 of the report, to slightly reduce the test pass mark of the English language assessment currently used by Aylesbury Vale, the Committee were assured that the safeguarding objectives would still be achieved with the slight reduction in the pass mark. It was noted that it was anticipated that with the additional training and slight reduction in test pass mark that the pass rate of existing drivers would be 75%. Officers advised that if the Policy was adopted, a further report would be presented to the Committee at a later date with more detailed information on the pass mark level. In response to a question regarding what the procedure would be for those drivers who were unsuccessful in passing their English Language test, officers explained that those drivers would be directed to additional sources of support to help improve their English language skills. They would also have the opportunity to take further tests for which an additional cost would be incurred.

In response to a question regarding how the identity of a driver undertaking an English language assessment via the use of an automated telephone system would be confirmed, officers advised that there would be visual confirmation of the driver to ensure their identity.

With regards to basic DBS disclosures, the Committee were advised that the Policy requires operators to require basic DBS disclosures from any new member of staff and confirm that they comply with their own Policy for Employing Ex-Offenders. Furthermore, operators were required to ensure that staff produce a new basic disclosure from the DBS on an annual basis.

It was confirmed that a report on the proposed new fee levels would be presented to the Licensing Committee following the approval of the Buckinghamshire Council Taxi and Private Hire Licensing Policy.

Resolved that the report be noted.

Councillor Dominic Barnes joined the meeting at 6.56pm

5 BUCKINGHAMSHIRE COUNCIL TAXI AND PRIVATE HIRE LICENSING POLICY - REVIEW OF CONSULTATION RESPONSES AND PROPOSED POLICY CHANGES

The Committee received a report on the final draft Buckinghamshire Council Taxi and Private Hire Licensing Policy.

Officers from the Licensing Service have drafted a new policy in collaboration with the Council's policy team. The new policy, as set out in appendix 1, had been benchmarked against existing policies and the new Statutory Taxi and Private Hire Vehicle Standards which were published in July 2020 (see appendix 2). Measures proposed in the new policy would impact on the existing licensed trade to varying degrees depending on the legacy area within which they currently operate and on their own current operational arrangements (e.g. current age and specification of vehicles), with some potentially more significantly affected than others. New entrants to the trade would also be impacted as a result of higher standards required of vehicles, drivers and

operators. The policy also considers the application of “grand-father” rights in respect of the existing trade.

Pre-engagement consultation with stakeholders had been carried out including an online survey, which ran from the 7th – 27th September, and the associated communications plan which included targeted communication with the taxi trade. Licensing Committee member workshops were held on 15th and 16th September and the responsible Cabinet Member and the Chair of the Licensing Committee have also been fully engaged throughout the process. A progress update paper was presented at the Environment & Localism Select Committee on the 24th September. Feedback received throughout the pre-engagement period was incorporated into the draft policy which was presented to the Licensing (Regulatory) Committee on the 2nd November who tasked officers with carrying out a full public consultation on the Policy as drafted.

A public consultation on the Policy was undertaken between 10th November 2020 and 4th January 2021. The consultation period was extended for a further 2 weeks from the initial proposed end date of the 21st December by agreement with the Cabinet Member for Regulatory Services and the Chair of the Licensing Committee following requests from the taxi trade and the Licensed Private Hire Car Association. During the consultation period officers carried out meetings with the taxi trade, as well as providing an Executive Summary of the Policy, a summary of key policy areas and providing a video Q&A session which were made available on the website and sent directly to the taxi trade via email and SMS where correct contact information was held. A copy of the full consultation executive summary and survey report was attached as appendix 3, a copy of a response from the Licensed Private Hire Car association (LPHCA) was attached as appendix 4 and a copy of the pre-engagement summary public survey results was attached as appendix 5. The Consultation raised a number of minor Policy wording amendments which have been considered and changes made where required. Details of all wording changes made to the Policy following the consultation were attached as appendix 6 to this report.

A key policy issue concerns hackney carriages and the proposal that the five current geographical hackney zones, with their own byelaws, vehicle specifications and wheelchair accessibility, ranks, limitation policy (in respect of Aylesbury Town), licence fee and fares should be removed and replaced with one single new hackney zone across the Buckinghamshire Council area.

The Policy if approved aims to deliver benefits in terms of improving public safety as well as ease of operation for the taxi trade. Officers have sought to balance the impacts of the proposed changes on those who might be negatively impacted, alongside the wider improvements to public safety and the benefits to service users and the taxi trade that aligning licensing service provision would bring.

Members were invited to ask questions of officers. In response to a query regarding whether the Council had to still use European legislative provision, the Committee were advised that until there was a replacement UK legislative provision, the Council would need to continue to use the EU provision as it remains in force. Where possible new UK legislation and provision had been stated in the Policy, but where this had not been finalised the European requirement had been referenced instead.

In response to a question regarding the requirement to carry out 6 month DBS checks on drivers, officers advised that this was a requirement as set out in the Department for Transport’s Statutory Taxi and Private Hire Vehicle Standards. It was confirmed that all licensing authorities

were required to implement the statutory standards unless there was a compelling local reason not to.

Following a query regarding wheelchair accessible vehicles (WAVs) availability across Buckinghamshire, the Committee were advised that the proposal for the removal of existing hackney carriage zones would enable hackney carriage vehicles to operate across the whole of the Buckinghamshire Council area. This open market approach should increase the availability of WAVs, balancing up to some extent the differences in legacy Council area WAV availability for users and maintaining a mixed fleet. This requirement should be reviewed again by the Licensing (Regulatory) Committee following implementation of the new Policy and a suitable 'settling down period', when market forces should have determined longer term supply issues. It was also noted that the policy as drafted proposes that all new additional licensed hackney carriage vehicles must be wheelchair accessible vehicles.

It was noted that the Policy was proposing to put operators as well as drivers through safeguarding training as operators also play a key role in identifying and reporting safeguarding concerns at the point of booking.

Following a request for information on COVID-19 infection and mortality rates of drivers, officers agreed they would look into this and would provide this information, via email, to Members of the Committee if it was available. The Committee were advised that the Council had carried out a lot of work to get Covid information and messages out to operators and drivers. The Council regularly sends out guidance from Public Health England and from local public health colleagues by email and SMS to operators and drivers. The Council had also produced bespoke messages through the creation of posters along with providing advice on cleaning, precautionary measures and the legal requirements that the taxi trade need to comply with. The Council was also at the early stages of contacting operators to ascertain whether there would be any interest in introducing lateral flow testing for drivers.

It was proposed by Cllr Rush, seconded by Cllr Renshell and **resolved** that

1. the content of the report be noted;
2. the final draft of the Buckinghamshire Council Taxi and Private Hire Licensing Policy be agreed and that it be recommended for approval and adoption by Full Council with an implementation date of the 1st August 2021;
3. it be recommended that the Council remove the existing licensing zones for taxi and private hire vehicles and authorise officers to undertake the necessary associated administrative and legal work for this; and
4. if adopted, the approval of minor amendments of the Policy by the Head of Service for Licensing in agreement with the Chair of the Licensing (Regulatory) Committee and Cabinet Member for Regulatory Services be authorised.

6 DATE OF NEXT MEETING

The date of the next meeting is Tuesday 23 March 2021 at 6.30pm.